TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

APRIL 7, 2008

Meeting

Roll Call

Study Session

Discussion – Right-of-way Ordinance

Video Service Authorization (VSA) Ordinance President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 5:00 p.m. at the Monroe Township Building located at 4 E. Main Street. Roll call showed the following Councilmembers present: William D. Beagle, George H. Lovett, John E. Kessler, Patrick A. Hale, Tim E. Evans, Vickie K. Blakey, and Dee Gillis.

Monroe Township Trustees present: Dr. Martin English, Ron Thuma, and Phil Cox. Others in attendance included: Acting City Manager Bradley C. Vath, Law Director Joseph P. Moore, Township Clerk John Skolnicki, Steve Husemann, Donald H. Ochs, Joseph Gibson, David Werts, Joanna Pittenger, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

A joint Study Session was called to order by Acting City Manager Bradley C. Vath. This study session would include Tipp City Council Members, Monroe Township Trustees, and Tipp-Monroe Cable Access Commission members.

Steve Husemann, Miami Valley Communication Council's Executive Director, used the attached PowerPoint presentation to discuss the City's ability to recoup costs when companies install utilities within the right-of-way. He noted that several cities have adopted ordinances addressing this issue, specifically Dayton, Toledo, Kettering, and Middletown. He noted that a right-of-way ordinance was not something that had to be acted upon immediately but Council should keep this legislation in mind for the future. It is important for the City to be able to control its right-of-ways. He noted that utility companies are installing VRAD boxes on private property, which would not be subject to a right-of-way ordinance. Some cities are pursuing legislation to control the boxes through their zoning codes.

Next, Mr. Husemann discussed SB117, Video Service Authorization, noting that the intent of this bill is to create more competition and lower costs. He stated that the bill was completely unnecessary and would limit cities home rule authority and would cost Ohio cities million of dollars. This legislation will reduce the City's traditional franchising authority to regulate cable and/or video services offered in the City using facilities located in the City's right-of-ways. A sample ordinance was presented to City Council that would determine video service provider fees and would enact a new Code chapter regarding competitive video service authorizations. The ordinance would set franchise fees at 5%, define gross revenues, enacts Chapter 114 of the Tipp City Code of Ordinances. Mr. Vath noted that this legislation would be presented to City Council at the April 21st meeting.

Mr. Thuma stated that KIT-TV's franchise agreements would need to be reviewed. He noted that KIT would also need to determine if new equipment needed to be purchased. Operational costs should also be evaluated.

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Mr. Vath noted that the City could begin charging pole connection fees for video services utilities that are ran on Tipp City's utility poles. Mr. Husemann agreed that this charge would be a great opportunity for the City but would not be needed until the City's existing franchise agreements expire in December of 2012.

In closing, Mr. Husemann announced that all analog television stations must switch to digital by February 17, 2009. He stated that 19.6 million households will be affected by this change-over.

The last topic of discussion related to having the City of Dayton and the FAA implement departure procedures and/or tower orders to fulfill the requirements of the previous lawsuit. Mr. Vath submitted a draft letter requesting the FAA implement the following runway procedure, including tower orders and airspace controls at DIA: "All aircraft shall climb via 060 degree heading, at the ROD R-204 to be turned right to a heading of 090 degrees. Aircrews can be instructed to join first enroute fix (turning on course) by DAY Air traffic Control (ATC) after reaching at least five nautical miles east (from Airport) and 3000' MSL."

Mr. Vath reported that Iftikhar Ahmad, DAY Director, and the City of Dayton will support departure procedures. Although, Iftikhar still questions which agency has the authority for tower orders and departure procedures. Iftikhar stated that the FAA has found the DAY Master Plan "acceptable" as presented, which is the same version discussed at a July 2007 joint meeting.

Mr. Vath asked Council and Trustees to review this information over the next few weeks. He noted that the airport is very important to local businesses and overall economic development in the region.

Mr. Ochs stated that incoming arrivals continue to be a problem. Mr. Vath stated that noise levels are generally greater during takeoff. Mr. Thuma stated that the noise has decreased since Emery went out of business. The study session concluded at 6:30 p.m.

President Patrick A. Hale reconvened the regular meeting of the Tipp City Council at 7:30 p.m. at the Tipp City Government Center. The following Councilmembers were present: William D. Beagle, George H. Lovett, John E. Kessler, Patrick A. Hale, Tim E. Evans, Vickie K. Blakey, and Dee Gillis.

In attendance: Acting City Manager Bradley C. Vath, Law Director Joseph P. Moore, Finance Director Richard Drennen, Fire Chief Steve Kessler, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, *Independent Voice* reporter Matt Clevenger, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Rebecca Leis, Graham Lang, Kevin Rawlins, Kyle Corbin, Dustin Colbert, A.J. Cashe, Lauren DeHays, Baily Cole, Dan Marshall, James Callahan, Autumn Caldwell, Chad White, Chris Sweet, Katie Black, Devon Beattie, Pat Pohl, Brian Lintzeich, Joe Bagi, and Hillary Hummel.

Dayton International Airport Issues

Reconvene

Invocation and Pledge of Allegiance

Adoption of Minutes

Mayor Tim E. Evans delivered the invocation. President Hale led the Pledge of Allegiance.

Mr. Lovett moved to approve the agenda, seconded by Mayor Evans. The motion unanimously carried.

Mr. Kessler moved, seconded by Mr. Beagle, to adopt the minutes of the March 17, 2008 Pre-Meeting Study Session. The motion carried with a vote of 7-0.

President Hale moved to approve the minutes of the March 17, 2008, City Council Meeting, seconded by Mr. Beagle. The minutes were approved by a vote of 7-0.

Mrs. Gillis moved, seconded by Mayor Evans, to adopt the minutes of the March 17, 2008, Post Meeting Study Session. Mrs. Gillis noted one amendment, page 114, paragraph 5, sentence 3, should read "The legislation must be certified to the BMV by July 1st to be effective in January of 2008 2009" The amended minutes were unanimously approved.

Mr. Beagle moved, seconded by Mayor Evans, to adopt the minutes of the March 25, 2008 City Council Meeting. The motion unanimously carried.

The following resolutions were presented to City Council for adoption.

Resolution 11-08: A resolution of necessity for improvements on South Tipp-Cowlesville Road for the installation of a sanitary sewer between Evanston Road and Cayman Circle as was necessary.

Clerk of Council Summary: This resolution is the first step necessary to allow for the voluntary assessment of the cost of the gravity sanitary sewer for the two properties on South Tipp-Cowlesville Road who seek to have these costs assessed against their properties.

City Manager Report: Mr. Vath reiterated that this resolution was the first step in the process required to allow two (2) property owners on South Tipp-Cowlesville Road to have the cost of the recently installed gravity sanitary sewer assessed against their property taxes. He noted that only 2 of the 8 properties within the scope of the sanitary sewer project chose to have their costs assessed. One property is within the corporate limits, and the second is ready to start the process of annexation. Upon adoption, this legislation requires notices be sent to the two property owners. Mr. Vath stated that later this summer an assessment ordinance would be crafted and presented to City Council for consideration allowing the \$12,162.94 to be assessed to each of the two requesting properties/lots.

Mr. Beagle asked how often this situation will occur. Mr. Vath responded that this was a one time occurrence.

Resolutions (One Reading Required)

Resolution 11-08 South Tipp-Cowlesville Road Resolution 12-08 ARS Group Professional Services

Ordinances (First Reading)

Motor Vehicle License Fee (Third)

Mr. Lovett sponsored this resolution and moved for its adoption, seconded by Mr. Kessler. The motion unanimously carried. Resolution 11-08 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 12-08: A resolution authorizing a contract to ARS Group in the amount of \$10,000 and allowing similar professional services to be continued in the future with the same company.

Clerk of Council Summary: This resolution will authorize the City Manager to continue to utilize the services of the ARS Group to complete the GIS work for the water, sewer, and electric departments, which was initially started by Tri-Cities Authority (TCA) in 2007.

City Manager Report: Mr. Vath reported that the City had been using the services of ARS Group of Huber Heights, Ohio, to assist with the conversion of Tipp City's Graphic Information System (GIS) from the outdated "micro station" format to the GIS format. Tri-Cities Authority (TCA) has been working with ARS Group on the sanitary sewer system for TCA, and thus Tipp City's GIS system must seamlessly meld with TCA's system. Mr. Vath noted that in 2007, the City authorized \$20,000 to start this process, and it would be necessary to spend an additional \$10,000 in 2008 to continue the conversion process.

Mr. Kessler asked if the photographs would tie into the County system. Mr. Vath stated that the Miami County aerial photographs would not tie into this system.

Mr. Beagle sponsored this resolution and moved for its adoption, seconded by Mrs. Blakey. The motion unanimously carried. Resolution 12-08 was declared passed and President Hale affixed his signature in witness thereto.

The following ordinances were presented to City Council for a first reading. The second reading and public hearing will be held on April 21, 2008.

Mr. Beagle sponsored an ordinance levying the municipal five dollar (\$5.00) Motor Vehicle License Fee as authorized by Section 4504.171 of the Ohio Revised Code.

Clerk of Council Summary: This ordinance will enact Tipp City's third \$5.00 permissive Motor Vehicle License Fee to be used for street improvements.

City Manager Report: Mr. Vath noted that this ordinance would implement Tipp City's third \$5.00 Motor Vehicle License Fee, in accordance with Ohio Revised Code Section 4504.171. The City has previously implemented the first two \$5.00 fees in 1989 and 2005. With the second defeat of the 0.25% Capital Improvement Levy Council, at their March 17th, 2008, Study Session, discussed implementing two additional \$5.00 fees which would generate approximately \$55,000 each for at total of \$110,000 annually. He noted that the \$110,000 would only be 1/8th the amount that would have been generated by the proposed 0.25% Capital Improvement Levy if it had been approved by the voters.

Motor Vehicle License Fee (Fourth) Mrs. Blakey sponsored an ordinance levying the municipal five dollar (\$5.00) Motor Vehicle License Fee as authorized by Section 4504.17 of the Ohio Revised Code.

Clerk of Council Summary: This ordinance will enact Tipp City's fourth \$5.00 permissive Motor Vehicle License Fee to be used for street improvements.

City Manager Report: Mr. Vath noted that this ordinance would be a companion ordinance to the ordinance above. This ordinance would implement the fourth \$5.00 Motor License Fee for Tipp City in accordance with Ohio Revised Code Section 4504.17. The total Motor License Fee for vehicles in Tipp City would become \$20.00 per vehicle with the adoption of both ordinances.

Permit Fee Code Amendments President Hale sponsored an ordinance amending code sections 150.03, 150.04, and 150.38 to clarify the permit fee requirements for work within the city.

Clerk of Council Summary: This ordinance will amend and clarify the permit fee structure and procedures for Zoning Compliance Permits, Building Permits, Plumbing Permits, Building Moving Permit, and License to Work in Right-of-Way Fee in Tipp City.

City Manager Report: With the City now having Miami County accepting all residential building permits, in lieu of the City, several sections of Code must be modified accordingly. During this review several other "permit" costs needed to be corrected to tie to the Master Fee Ordinance being Ordinance 23-04. Mr. Vath noted that this ordinance makes corrections to three sections of Tipp City's code to make these adjustments, which are "housekeeping" items and NOT changes in fee costs.

Mayor Evans asked City Manager Vath to explain why these changes are taking place. Mr. Vath noted that the County has changed some of their procedures and Tipp City staff did not have the technical expertise to comply with the Code changes.

Citizen Comments

There were no citizen comments on items not on the agenda.

Ohio of State

Councilmember Comments

Mayor Evans noted that Secretary Jennifer Brunner recently visited the City of Tipp City. He thanked Mrs. Gillis for coordinating the visit. It was a great opportunity to showcase the City.

Mr. Kessler thanked the Tippecanoe High School Seniors for attending the meeting. He encouraged them to serve the community some day by running for a public office.

Acting City Manager Comments

Mr. Vath announced that a controlled prairie burning would occur Tuesday, April 8th at 10 a.m. He noted that Tipp-Elizabeth Road would be closed during the burn.

Mr. Vath noted that within the next week, both the Miami County Commissioners and the Monroe Township Trustees were going to approve an agreement authorizing Miami County Engineer Doug Christian to act as the Local Public Agency (LPA) for the northern leg of

the Great Miami Bikeway Connector. Tipp City's resolution regarding the agreement will be on the April 21st agenda. ODOT has authorized Doug Christian to move forward with bidding this project, at this time.

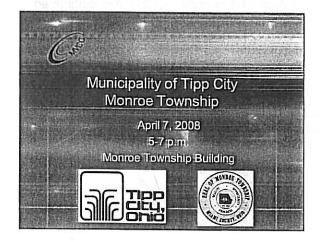
President Hale announced that City Council would hold a Study Session after the meeting to discuss 2008 General Fund and Capital Reserve Funds expenses.

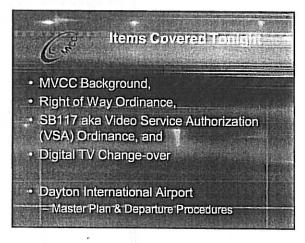
Adjournment

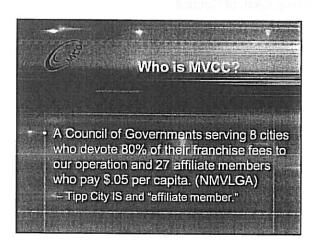
There being no further business, it was moved by Mrs. Blakey, seconded by Mayor Evans, that the meeting be adjourned. The motion unanimously carried. President Hale declared the meeting adjourned at 7:48 p.m.

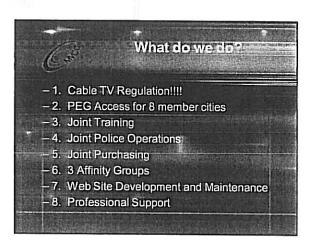
Patrick A. Hale, President of Council

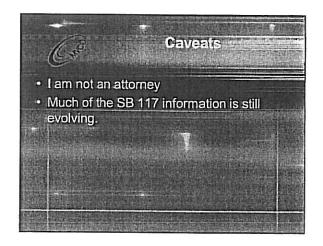
Misty Cheshire, Clerk of Council

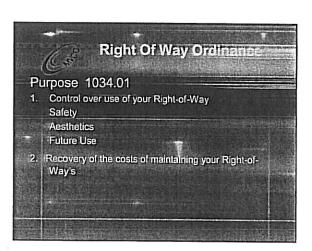


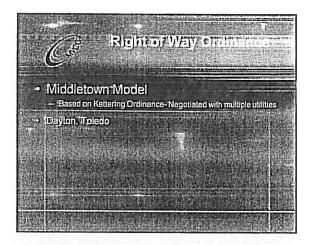


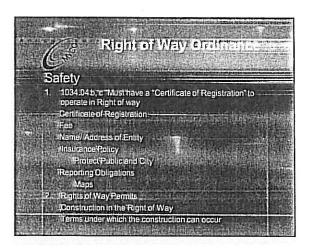


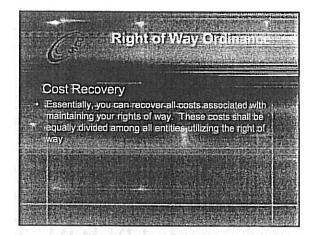


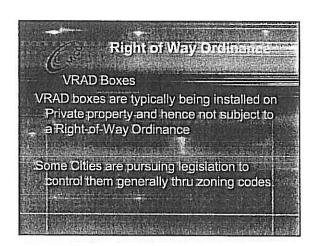


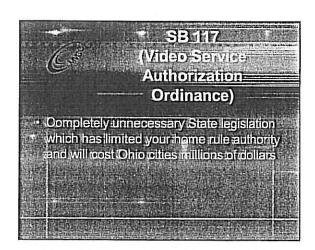


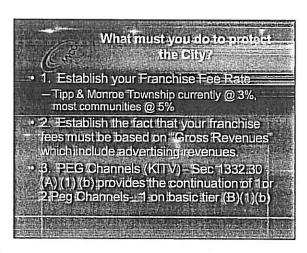


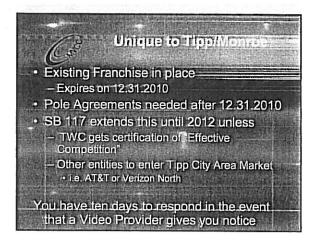


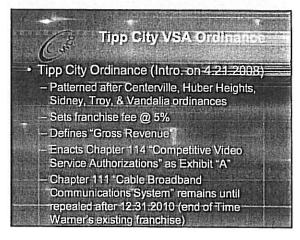


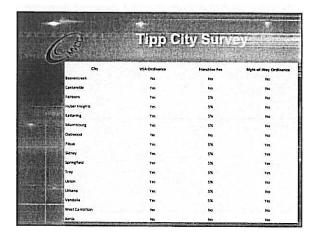


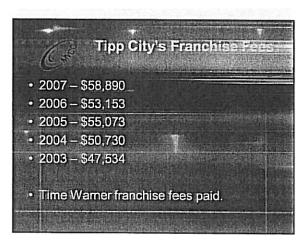


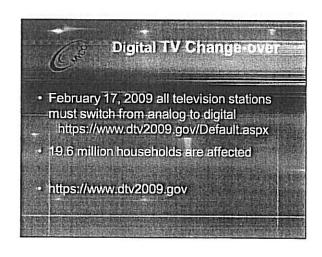


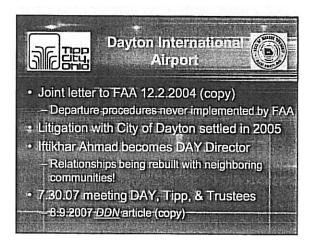


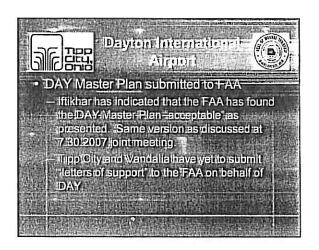


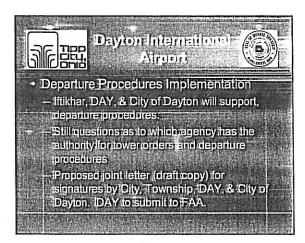














TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

p.m. on this date.

APRIL 7, 2008

Study Session

Roll Call

Discussion -2008 General Fund Fund Expenditures

and Capital Reserve

Council Members in attendance included: William D. Beagle, Vickie K. Blakey, George H. Lovett, Tim E. Evans, Patrick A. Hale, John

City Manager Bradley C. Vath opened the Study Session at 7:59

Kessler, and Dolores Gillis. Others in attendance included: Finance Director Richard Drennen, Dayton Daily News reporter Nancy Bowman, Tipp Herald

reporter Mike Kelly, and Clerk of Council Misty Cheshire.

City Manager Vath used the attached PowerPoint presentation to outline revenue and funding options as well as possible cost cutting measures for 2008.

Mr. Vath noted that one potential revenue option would be the implementation of a storm water utility fee. Following a brief discussion, Council directed staff to find out how much it would cost to update the Burgess and Niple figures. Mrs. Blakey pointed out that businesses would be the hardest hit if a storm water utility was implemented. Mayor Evans Levett stated that this Council needed to be better informed about the fee since this Council was not involved in the initial discussion. Mr. Vath stated that he would provide background information to City Council.

Mr. Lovett Mayor Evans stated that all of the purchases identified in the PowerPoint presentation be deferred. He stated that Council should review expenditures quarterly for the time being. Council agreed to defer the entire \$420,000 in purchases as suggested by staff.

Adjournment

The study session concluded at 8:24 p.m.

Patrick A. Hale. President of Council

Misty Cheshire, Glerk of Council

Study Session 4.7.2008

2008 General Fund (CIP) and Capital Improvements Reserve Fund CIP

3.17.2007 Study Session

- Reviewed history of 0.25% Levy attempts
- · Moved forward with two (2) \$5 permissive License Fee (Introduction on 4.7.2007)
- Requested breakdown on Public Safety (Police, Fire, & EMS) costs
- · Immediate decisions needed for:
 - EMS Medic Unit Bid
 - 2008 Paving Program Bid

2008 Public Safety Expenses

Operating Expenses

Police - Personnel \$2,024,904 - Operating \$204,904 - Equipment 521,600 52,251,227

\$88,476 \$57,797 \$18,636 - Operating - Equipment

- **EMS** - Operating
 - \$116,980 \$3,600 \$804,006 - TOTAL

Capital Improvement Exp.

- Police
 - \$41,218 (Cruiser & equip. Accident Recon, Software)
- \$8,000 (Station upgrades)
- **EMS**
 - \$130,000 (Medic Unit)
- · 2009 & 2010 \$2,160,000 for Station Expansion & Ladder

5-Year "Safety" CIP's

- Police
 - 2009-\$65,070 - 2010- \$93,420
 - 2011-\$92,810
- 2010- \$ - 2011-\$

EMS

- 2009-\$ 12,000

- 2012-\$58,550 - 2012-\$150,000
- - 2009- \$168,000
 - 2010- \$2,008,000
 - 2012-\$38,000

- 2011-\$36,000

Possible Cost Cutting Measures for 2008

Potential Deferrals:

- Plotter/Scanner \$19k
- · Accident Software \$20k
- · Paving Program \$200k
- Medic/Amb. \$130k
- 3/4 Ton Truck \$29k
- 2008 Cruiser
- TOTAL 5420,000

\$22k

Balanced Budget Estimate

- -\$188,000 Budgeted (3%)
- -\$124,000 LIT shortfall
- \$ 24,000 Interest shortfall
- · -\$ 20,000 Inspection shortfall
- · -5 111,000 N. Hyatt project
- · -\$467,000 Potential shortfall as of 3.17.2008
- · Assuming same conditions \$467-\$188=\$279k shortfall

Revenue/Funding Options

- · Income Tax
 - 0.25% generates approx. \$800,000 annually, but Levy attempts failed on 5.7.2007 & 3.4.2008
 - Reduce "Credit" on existing 1% Local Income Tax
 - For each 0.25% equates roughly to +/-\$250,000
- Property Tax
 - Approx. 3.5 mills needed to generate \$800,000
- \$10 Permissive Vehicle License Fee (being implemented)
 - Will generate +/-\$110,000 starting in 2009 (partial year)
- Stormwater Utility
 - Set at "typical" rates, generate \$200-\$400k

Recommendations & Considerations

- · Recommendation:
 - Cancel
 - 2008 Street Repaying Program \$200,000
 - Long term effect on roadways significant)
 - NO major General Fund or CIP Reserve Fund CIP expenses, but revaluate in 4th quarter.
 - Implement two \$5 permissive license fees
- · Considerations:
 - Implement Stormwater Utility
 - Council determines how much money is needed.
 - Retain B&N to refresh & finish analysis

Considerations (Con.)

- · Revaluate User Fees for Tipp City.
- Potential ballot issues for 11.4.2008
 - Dedicated permanent CIP 0.25% Levy (LIT)
 - Property tax Ladder Truck, bld. (Public Safety)
 - Must have ordinance to Board of Elections by 8.21.08
 - Committee structure & potential consultant
 - · If supported by electorate
 - Eliminate \$10 Permissive Fee
 - Stormwater Utility reduce monthly ERU costs
- Other ideas?

Council's Guidance

- 2008 GF CIP's & Capital Reserve Fund CIP's
 - Ambulance/Medic Bid
 - 2008 Paving Bid
 - Other CIP expenses
- · Stormwater Utility
- Ballot Issue on 11.4.08
 - Property Tax
 - 0.25% Tax Levy



Questions & Answers

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